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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,197	09/19/2001	Tatsuya Mitsugi	1163-0356P	8676
2292	7590	06/12/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,197

Applicant(s)

MITSUGI, TATSUYA

Examiner

Ryan F. Pitaro

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/29/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13 have been examined.

Response to Amendment

1. This communication is responsive to Amendment C, filed 3/29/2006.
2. Claims 1-13 are pending in this application. Claim 1 is an independent claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britt, JR ("Britt", US 2002/0032785) in view of Whitley et al ("Whitley", 6925595).

As per independent claim 1, Britt discloses a communication network system that can provide contents information for users by way of a communication network, said system comprising: a contents server disposed as a source of information, for storing contents information (Figure 3 item 130); one or more portal servers, responsive to a request which a user makes through communication terminal equipment, for transmitting contents information to the communication terminal equipment (Figure 3

item 110); and a conversion/ formatting server disposed between said contents server and said portal server ([0034] lines 1-10), for converting contents information which said conversion/formatting server has acquired from said contents server into contents information in a predetermined format ([0034] lines 1-10), formatting the contents information in the predetermined format into contents information suitable for display on the communication terminal equipment ([0035] lines 7-11) in response to a request from said portal server, and transmitting the formatted contents information to said portal server (Figure 3 item 920; *wherein the system described in Figure 3 employs a single server, however alternative embodiments may include numerous different servers i.e. conversion server*). However, since Britt failed to explicitly state a conversion server, Whitledge teaches converting contents information for which a conversion/formatting server has acquired from said contents server into exchangeable contents information in a predetermined format (Figure 7), storing the exchangeable contents information in a memory formatting the exchangeable contents information stored in said memory in the predetermined format into displayable contents suitable for display on the communication terminal equipment in response to a requesting client (Column 14 lines 46-55). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Britt with the individual network device of Whitledge. Motivation to do so would have been to quicken response time by adding another server and allowing the servers to work as a multiprocessing system.

As per claim 2, which is dependent on claim 1, the modified Britt discloses a system wherein in response to a request for information browsing which a user makes

through communication terminal equipment, said portal server provides an instruction for transmission of information to be browsed for said conversion/formatting server (Whitledge, Column 8 lines 37-50), and said conversion/formatting server, in response to the information transmitter instruction from said portal server, converts contents information stored in said contents server into contents information in the predetermined format which can be browsed (Britt, [0037] lines 1-6) and stores it therein, and formats the contents information in the predetermined format into contents information suitable for display on the communication terminal equipment (Britt, [0035] lines 7-11) and transmits the formatted contents information to said portal server (Whitledge, Column 8 lines 19-50, wherein the portal sever is the requesting device).

As per claim 3, which is dependent on claim 2, the modified Britt discloses a system wherein in response to a request for information retrieval which a user makes through communication terminal equipment, said portal server provides an instruction for information retrieval for said conversion/formatting server (Whitledge, Column 8 lines 37-50), and said conversion/formatting server, in response to the information retrieval instruction from said portal server, retrieves desired contents information in the predetermined format which is stored therein (Fukasawa, Column 5 lines 13-15), and formats the desired contents information in the predetermined format into contents information suitable for display on the communication terminal equipment (Britt, [0035] lines 1-11, Whitledge, Column 8 lines 37-50) and transmits the formatted contents information to said portal server (Whitledge, Column 8 lines 19-50, wherein the portal sever is the requesting device).

As per claim 4, which is dependent on claim 1, the modified Britt discloses a system wherein in response to a request for performance of a predetermined process which a user makes through communication terminal equipment, said portal server provides an instruction for the performance of the predetermined process for said conversion/formatting server (Whitledge, Column 14 lines 46-55), and said conversion/formatting server, in response to the instruction for the performance of the predetermined process from said portal server, converts contents information which is stored in said contents server into contents information which corresponds to the instruction for the performance of the predetermined process (Whitledge, Column 8 lines 37-50), and formats the resultant contents information into contents information suitable for display on the communication terminal equipment (Britt, [0035] lines 7-11, Whitledge, Column 8 lines 37-50) and transmits the formatted contents information to said portal server (Whitledge, Column 8 lines 19-50, wherein the portal sever is the requesting device).

As per claim 5, which is dependent on claim 1, the modified Britt discloses a system wherein in response to a request for performance of a predetermined process which a user makes through communication terminal equipment, said portal server provides an instruction for the performance of the predetermined process for said conversion/formatting server (Whitledge, Column 8 lines 37-50), and said conversion/formatting server, in response to the instruction for the performance of the predetermined process from said portal server, converts contents information which is stored in said contents server into contents information which corresponds to the

instruction for the performance of the predetermined process (Whitledge, Column 8 lines 37-50), stores the resultant contents information therein (Whitledge, Column 14 lines 46-55), and formats the resultant contents information into contents information suitable for display on the communication terminal equipment (Britt, [0035] lines 7-11, Whitledge, Column 8 lines 37-50) and directly transmits the formatted contents information to the communication terminal equipment according to event information added to the instruction for the performance of the predetermined process (Whitledge, Column 8 lines 19-50, wherein the client is the requesting device).

As per claim 7, which is dependent on claim 1, the modified Britt discloses a system wherein said conversion/formatting server performs a formatting process of formatting the contents information in the predetermined format into contents information which can be displayed on the communication terminal equipment (Britt, [0035] lines 7-11), and transmits the formatted contents information to said portal server (Whitledge, Column 14 lines 46-55).

As per claim 8, which is dependent on claim 7, the modified Britt discloses a system wherein the formatting process performed by said conversion/ formatting server is a process of executing an application (Britt, Figure 3 item 920) that defines a display format in which the communication terminal equipment can display the contents information in the predetermined format (Britt, [0035] lines 7-11).

As per claim 9, which is dependent on claim 1, the modified Britt discloses a system wherein said communication network is the Internet (Britt, Figure 3 items 940, 941).

As per claim 10, which is dependent on claim 1, the modified Britt discloses a system wherein said communication network is a radio communication network (Britt, [0034] lines 1-6).

As per claim 11, which is dependent on claim 1, the modified Britt did not explicitly state a wired network. However, Official notice is taken that wired communication network is well known in the art. While the modified Britt teaches a wireless network it is merely a design choice to choose between a wireless and wired connection. Each choice has its advantages/disadvantages, however the results of the communication system in this instance remain the same. Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Britt with the current teaching. Motivation to so do would have been create a possible faster, more reliable network.

As per claim 13, which is dependent on claim 1, the modified Britt discloses a system wherein said portal server transmits and receives contents information from itself to the communication terminal equipment and vice versa by performing a Web processing (Britt, Figure 3 items 940, 941).

4. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britt, JR ("Britt", US 2002/0032785) in view of Whitley et al ("Whitley", 6925595) in further view of applicant's admitted prior art ("aapa", US#2002/0113817).

As per claim 6, which is dependent on claim 1, the modified Britt discloses a system wherein said conversion/formatting server performs a formatting process so as to generate application data which defines a display format (Whitledge, Column 8 lines 19-50) in which the communication terminal equipment can display contents information in the predetermined format transmitted thereto (Whitledge, Column 8 lines 19-50). The modified Britt fails to distinctly point out transmitting both the application data and information contents to the server. However, aapa teaches a system wherein the application data is transmitted to the portal server as well as the contents information in the predetermined format ([0009] lines 10-17). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified system of Britt with the teaching of aapa. Motivation to do so would have been to provide the server with adequate information to check the format if needed.

As per claim 12, which is dependent on claim 1, the modified Britt fails to distinctly point out communication through email. However, aapa teaches a system wherein the portal server transmits and receives contents information from itself to the communication terminal equipment and vice versa by using E-mail ([0004] lines 10-13). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified system of Britt with the teaching of aapa. Motivation to do so would have been to provide an organized secure way of sending and receiving information by way of the Internet.

Response to Arguments

The Applicant argues that Whitledge teaches a content server, which also performs an operation of converting data. However, the Examiner asserts that Whitledge is relied upon to teach a separate conversion/formatting server. It is evident from Column 14 lines 29-46 that this is true, specifically by showing the content server separate from the conversion/formatting server. See also Column 6 lines 32-61.

Applicants also argue the motivation stating that there is no motivation present to separate the portal server of Britt into numerous different servers despite the suggestion in the reference and that one of ordinary skill in the art would not modify the system in this way by any means. However, it can also be found in Whitledge that it is known in the art, that is not uncommon to separate or combine software components with a combination of hardware components as long as the end result is the same (Whitledge, Column 6 lines 32-61). Therefore, the Examiner has set forth a prima facie case of obviousness and one of ordinary skill in the art at the time of the invention would have been motivated to combine these teachings.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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RFP